

REMARKS

This Amendment is in response to the Advisory Action mailed on August 29, 2008. It is being accompanied by an RCE. The previously filed Notice of Appeal is being withdrawn by the RCE in accordance with MPEP 1215.01. Claims 1-10, 12, 14-16, 19-22, and 49-51 were pending in that action, and the Examiner rejected all of the claims. With this Amendment, claims 1 and 7 are amended, claims 3-6, 9-10, 12, 14 and 16 are cancelled, claims 52-78 are new, and the remaining claims are unchanged. Consideration and allowance of all pending claims are respectfully solicited in light of the following comments.

35 USC §103 Rejections

On pages 6 of the Office Action dated June 23, 2008, the Examiner rejected claims 1-2, 7-8, 15, and 19-22 under 35 USC §103 as being unpatentable over Ting U.S. Pat. Pub. 2002/0174344 (hereinafter "Ting") in view of Michener et al. U.S. Pat. No. 7,028,191 (hereinafter "Michener"). As is discussed below, Applicant respectfully contends that claims 1-2, 7-8, 15, and 19-22 include limitations that are not disclosed by the cited references and that are not obvious in view of the cited references. Because of this, Applicant respectfully contends that the claims are patentable.

Claim 1:

Claim 1 has been amended to the limitations previously recited in its dependent claims 3-6, 10, 12, and 14. Claim 1 includes several limitations that are not disclosed by the cited references. First, claim 1 recites in part that a session number, a session time stamp, and a session key are stored in a database that is associated with the computing device. The cited references do not have a

database that stores these three items. On page 9 of the Office Action dated June 23, 2008, the Examiner stated that the database formerly recited in claim 5, and now recited in claim 1, was disclosed by Michener column 10, lines 1-25 and FIG. 13. The Michener "data structure" disclosed in the cited sections only includes "re-keying keys." It does not include a session number, a session time stamp, and a session key as is recited in claim 1. The cited references also do not provide any suggestion or motivation to include a session number, a session time stamp, and a session key in the Michener "data structure."

Next, claim 1 recites in part making a determination based on a comparison of a received session number to the record of the session number, and based on an evaluation of the session time stamp. Generally speaking, the cited references do not disclose making a determination based on two things. They certainly do not disclose making a determination based on the specific comparison and evaluation recited in claim 1. For example, on page 10 of the Office Action dated June 23, 2008, the Examiner stated that the former claim 14 limitation, now claim 1 limitation, of evaluating a session time stamp was disclosed by Michener column 2, lines 55-60 and FIG. 17. Michener column 2, lines 55-60 is below in its entirety.

"There exists a need for a device to provide personal protection of electronic data that is small, easy to use, provides excellent protection to the PC/laptop user, and that can operate in conjunction with corresponding devices at a central data gathering point to provide near real time validation of the information."

Applicant respectfully contends that Michener column 2, lines 55-60 has nothing to do with the former claim 14 limitation. It does not disclose making any determination. Michener FIG. 17 also does not disclose the limitation. It does disclose making a determination, however the determination is only based on a signature check. It is not based on a session number comparison and a timestamp evaluation, as is recited in claim 1. The cited references also do not provide any suggestion or motivation to modify the Michener signature check to include the claim 1 limitations.

Applicant would also like to point out that the combination of limitations recited in claim 1 has not been previously presented. As was discussed above, Applicant does not believe that the cited references include all of the limitations recited in claim 1. However, even if the references did include all of the limitations, claim 1 is patentable because there is no suggestion or motivation to combine the limitations in the manner recited by claim 1.

For at least the reasons discussed above, Applicant respectfully contends that claim 1 is patentable. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Claim 2:

Claim 2 recites a specific order of the steps of claim 1. As was discussed previously, Applicant does not believe that the cited references disclose all of the steps of claim 1 or provide any suggestion or motivation to combine the steps as recited in claim 1. However, even if the cited references did, Applicant does not believe that the cited references provide any suggestion or motivation to combine the steps in the particular order recited in claim

2. Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

Claims 7-8, 15, and 19-22:

Claim 7 has been amended to be consistent with the claim 1 amendment. Claims 8, 15, and 19-22 are unchanged. Applicant respectfully contends that these claims are allowable at least based on their dependence upon patentable independent claim 1. Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

New Claims

Claim 52:

Claim 52 is a new independent claim. It is well supported throughout the application as originally filed. For example, the computing device having a first encryption component, a first encryption program, a processor, and a first interface is supported by FIG. 3. The session packet having a session number, a session key, a command, a time stamp, and a first set of data is supported by FIG. 6. The database associated with the computing device that stores a record of the session number, the session key, and the time stamp is supported by the original claims 3, 5, 12, 37, 39, FIG. 1. (database "16"), FIG. 5 (step "406"), and page 19, lines 6-12 of the specification. The reader having a second encryption component, a second encryption program, and a second interface is supported by FIG. 3. The biometric information packet having the session number, a model, and a second set of data is supported by FIG. 8. The biometric information packet being encrypted using the session key is supported by page 21, lines 3-6 of the specification. The biometric packet being generated based on a command is supported by page 20, lines 16-20 of the

specification. The session packet being transmitted from the first interface to the second interface is supported by FIG. 3 (showing that communication between the reader and computer occurs through their interfaces) and FIG. 4 (step "108"). The reader decrypting the session packet with the second encryption component is supported by FIG. 7 (step "552"). The biometric information packet being transmitted from the second interface to the first interface is supported by FIG. 3 (showing that communication between the reader and computer occurs through their interfaces) and FIG. 4 (step "110"). The computing device decrypting the biometric information packet with an encryption key that is complementarily related to the session key is supported by FIG. 4 (step "112"), original claims 6, 40, 46, and page 18, lines 12-16 of the specification. The second encryption component that is implemented as firmware and decrypts information encrypted by the first encryption component is supported by page 14, line 21 to page 15, line 21 of the specification. The processor selectively utilizing the model based on a comparison of the session number to a copy of the session number retrieved from the database and on a comparison of the time stamp indicative of when the biometric information packet was received by the computing device is supported by FIG. 4 (step "112"), FIG. 9, and page 18, line 16 to page 19, line 2 of the specification.

Applicant respectfully contends that claim 52 is patentable for several reasons. First, it is patentable for the same reasons as claim 1. Like claim 1, claim 52 also recites storing three items in a database and selectively using the biometric information based on a session number and a time stamp. As was stated in the

claim 1 discussion, Applicant believes that these limitations are patentable over the cited references.

Claim 52 also includes additional patentable limitations. For example, claim 52 recites that the computing device sends a command to the biometric device in a session packet and that the biometric device generates a biometric information packet based on the command. The cited references do not disclose, or provide any suggestion or motivation for such a limitation.

For at least the reasons discussed above, Applicant respectfully contends that claim 52 is patentable. Applicant respectfully requests that the claim be allowed.

Claims 53-65:

Claims 53-65 are new dependent claims. They are well supported throughout the application as originally filed. For example, claims 53-55 are supported by page 16, lines 3-19 of the specification. Claim 56 is supported by page 17, lines 24-26 of the specification. Claims 57-58 are supported page 15, line 24 to page 16, line 2. Claim 59 is supported by page 21, lines 7-8 of the specification. Claims 60-62 are supported by page 11, line 26 to page 12, line 10 of the specification. Claims 63-65 are supported by page 14, lines 8-14 and page 11, lines 6-18 of the specification.

Applicant respectfully contends that claims 53-65 are allowable at least based on their dependence upon patentable independent claim 52. Applicant also respectfully contends that the claims include additional limitations that are patentable over the cited references. For example, claim 54 recites generating a session packet in response to a request from an independent application associated with the reader, and claim 63 recites that the

processor performs an image qualification function. Applicant does not believe that these limitations are disclosed or suggested by the cited references. Applicant respectfully requests that claims 53-65 be allowed.

Claim 66:

Claim 66 is a new independent claim. It is well supported throughout the application as originally filed. For example, the claim is supported by FIG. 4 and by page 15, line 6 to page 19, line 2 of the specification. Applicant respectfully contends that claim 66 includes several patentable limitations. For example, generally speaking, claim 66 recites not utilizing the biometric information based on two different determinations. The cited references do not disclose two determinations or provide any suggestion or motivation to include two determinations. Moreover, the cited references do not disclose or suggest the two specific determinations recited in claim 66. Also for example, claim 66 recites that the first encryption component is directly affiliated to the second encryption component and that an authorization session is initiated. Applicant similarly does not believe that these limitations are disclosed or suggested by the cited references. Applicant respectfully requests that claim 66 be allowed.

Claims 67-78:

Claims 67-78 are new dependent claims. They are well supported throughout the application as originally filed. For example, claims 67-70 are supported by page 18, line 27 to page 19, line 2 of the specification. Claims 71-72 are supported by page 16, lines 19-28 of the specification. Claim 73 is supported by page 17, lines 9-12 and page 19, line 28 to page 20, line 1 of the specification. Claims

74-75 are supported by page 20, lines 1-5 of the specification. Claim 76 is supported by page 20, lines 16-20 of the specification. Claims 77-78 are supported by page 14, lines 23-27 of the specification.

Applicant respectfully contends that claims 67-78 are allowable at least based on their dependence upon patentable independent claim 66. Applicant also respectfully contends that the claims include additional limitations that are patentable over the cited references. For example, claim 71 recites that the authorization session opens upon initiation and closes after a predetermined time, and claim 76 recites that the set of biometric information from a system operator is collected based on a command received in the session packet. Applicant does not believe that these limitations are disclosed or suggested by the cited references. Applicant respectfully requests that claims 67-78 be allowed.

Conclusion

It is respectfully submitted that claims 1, 2, and 52-78 are patentably distinguishable over the cited references considered individually or in combination. It is also respectfully submitted that claims 7-8, 15, and 19-22 are patentable at least based on their dependence upon patentable independent claim 1. Accordingly, consideration and allowance of all pending claims are respectfully solicited. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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